

Senate File 2124 - Introduced

SENATE FILE 2124
BY KETTERING

A BILL FOR

1 An Act providing a school tuition credit for certain pupils
2 attending an accredited nonpublic school and including
3 applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.7, Code Supplement 2009, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 30. Adopt rules relating to applications
4 for a school tuition credit pursuant to section 257.11B,
5 including application processing timelines, required
6 information for submission by a parent or guardian, and
7 penalties for noncompliance.

8 Sec. 2. Section 257.6, subsection 1, paragraph a, Code
9 Supplement 2009, is amended by adding the following new
10 subparagraph:

11 NEW SUBPARAGRAPH. (8) Resident pupils receiving a school
12 tuition credit pursuant to section 257.11B.

13 Sec. 3. NEW SECTION. **257.11B SCHOOL TUITION CREDITS.**

14 1. Pupils attending an accredited nonpublic school shall be
15 eligible to receive a school tuition credit for attendance in
16 the following grades according to the following schedule:

17 a. For the school budget year beginning July 1, 2011, pupils
18 in kindergarten.

19 b. For the school budget year beginning July 1, 2012, pupils
20 in kindergarten and grade one.

21 c. For the school budget year beginning July 1, 2013, pupils
22 in kindergarten and grades one and two.

23 d. For the school budget year beginning July 1, 2014, pupils
24 in kindergarten and grades one through three.

25 e. For the school budget year beginning July 1, 2015, pupils
26 in kindergarten and grades one through four.

27 f. For the school budget year beginning July 1, 2016, pupils
28 in kindergarten and grades one through five.

29 g. For the school budget year beginning July 1, 2017, pupils
30 in kindergarten and grades one through six.

31 h. For the school budget year beginning July 1, 2018, pupils
32 in kindergarten and grades one through seven.

33 i. For the school budget year beginning July 1, 2019, pupils
34 in kindergarten and grades one through eight.

35 j. For the school budget year beginning July 1, 2020, pupils

1 in kindergarten and grades one through nine.

2 *k.* For the school budget year beginning July 1, 2021, pupils
3 in kindergarten and grades one through ten.

4 *l.* For the school budget year beginning July 1, 2022, pupils
5 in kindergarten and grades one through eleven.

6 *m.* For the school budget year beginning July 1, 2023, and
7 succeeding budget years, pupils in kindergarten and grades one
8 through twelve.

9 2. *a.* By January of the year preceding the school year
10 for which the school tuition credit is requested, the parent
11 or guardian of the pupil requesting to receive a school
12 tuition credit shall submit an application to the department
13 of education, on forms to be developed by the department,
14 indicating that the parent or guardian intends to enroll the
15 pupil in an accredited nonpublic school.

16 *b.* By March 1, the department of education shall notify the
17 department of management of the number of pupils designated to
18 receive school tuition credits.

19 3. *a.* (1) The department of management shall assign each
20 designated pupil a school tuition credit in an amount equal to
21 thirty-five percent of the regular program foundation base per
22 pupil, as defined in section 257.1, subsection 2, paragraph "b".

23 (2) The department of education, in consultation with the
24 department of management, shall reduce the September payment
25 to a local public school district otherwise payable pursuant
26 to section 257.16 for the following school budget year by
27 sixty-five percent of the amount determined in subparagraph
28 (1) per designated pupil. The funds not dispersed to school
29 districts due to the school tuition credit reduction shall
30 be transferred to the general fund by the department of
31 management.

32 (3) A public school district shall transfer twenty-five
33 percent of the amount determined in subparagraph (1) per
34 designated pupil directly to the applicable accredited
35 nonpublic school and retain the remaining ten percent as the

1 pupil's district of residence.

2 *b.* (1) Commencing in the school budget year beginning
3 July 1, 2023, and succeeding budget years, if the average
4 enrollment at an accredited nonpublic school equals seventeen
5 percent of the combined enrollment of the local public school
6 district and the accredited nonpublic school, the department of
7 management shall assign each designated pupil a school tuition
8 credit in an amount equal to forty-five percent of the regular
9 program foundation base per pupil, as defined in section 257.1,
10 subsection 2, paragraph `b`.

11 (2) The department of education, in consultation with the
12 department of management, shall reduce the September payment
13 to a local public school district otherwise payable pursuant
14 to section 257.16 for the following school budget year by
15 fifty-five percent of the amount determined in subparagraph
16 (1) per designated pupil. The funds not dispersed to school
17 districts due to the school tuition credit reduction shall
18 be transferred to the general fund by the department of
19 management.

20 (3) A public school district shall transfer thirty percent
21 of the amount determined in subparagraph (1) per designated
22 pupil directly to the applicable accredited nonpublic school
23 and retain the remaining fifteen percent as the pupil's
24 district of residence.

25 *c.* The school tuition credit may also include any moneys
26 received for the pupil as a result of the non-English-speaking
27 weighting pursuant to section 280.4, subsection 3, for the
28 previous school year multiplied by the state cost per pupil for
29 the previous school year, and if the pupil is also an eligible
30 pupil under section 261E.6, the tuition reimbursement amount
31 as provided in section 261E.7.

32 *d.* Amounts payable as a school tuition credit may be paid
33 in a lump sum or in installments to the accredited nonpublic
34 school as determined by the department of education.

35 4. A pupil enrolled in an accredited nonpublic school who

1 is receiving a school tuition credit shall be considered, for
2 state school foundation aid purposes, to be attending school
3 in the pupil's district of residence. A parent or guardian
4 may apply on an annual basis for a school tuition credit for
5 each year that the pupil is enrolled in an accredited nonpublic
6 school.

7 5. In the event that a pupil requires special education
8 pursuant to chapter 256B, a school tuition credit may be
9 utilized only in the event that the pupil is enrolled in an
10 accredited nonpublic school that maintains a special education
11 instructional program that is equipped to meet the pupil's
12 educational needs.

13 Sec. 4. APPLICABILITY. This Act applies to school budget
14 years beginning on or after July 1, 2011.

15 EXPLANATION

16 This bill provides a school tuition credit for pupils
17 attending accredited nonpublic schools.

18 Pupils starting kindergarten in the school budget year
19 commencing July 1, 2011, may receive a school tuition credit
20 for attending an accredited nonpublic school. Each school
21 budget year thereafter, another grade is made eligible for
22 the school tuition credit, so that in the school budget year
23 commencing July 1, 2023, kindergarten through grades 12 are
24 included.

25 The bill requires that a parent or guardian submit an
26 application to the department of education (DE) by January
27 of the preceding school year indicating that the parent
28 or guardian intends to enroll the pupil in an accredited
29 nonpublic school. By March 1, DE shall notify the department
30 of management (DOM) of the number of pupils to receive school
31 tuition credits.

32 DOM shall assign each designated pupil a credit equal to 35
33 percent of the regular program foundation base per pupil. DE
34 in consultation with DOM shall reduce the September payment to
35 a local school district for the following school budget year by

1 65 percent of that amount per designated pupil. The funds not
2 dispersed to school districts due to the school tuition credit
3 shall be transferred to the general fund by DOM. A local
4 school district of residence shall then transfer 25 percent
5 of the credit per designated pupil directly to the applicable
6 accredited nonpublic school district and retain the remaining
7 10 percent as the pupil's district of residence.

8 Beginning in the school budget year commencing July 1,
9 2023, and for succeeding budget years, if an accredited
10 nonpublic school's average enrollment equals 17 percent of
11 the combined enrollment of the local public school district
12 and the accredited nonpublic school, then DOM shall assign
13 each designated pupil a credit equal to 45 percent of the
14 regular program foundation base per pupil. DE in consultation
15 with DOM shall reduce the September payment to a local school
16 district for the following school budget year by 55 percent of
17 that amount per designated pupil. The local school district
18 of residence shall transfer 30 percent of the credit per
19 designated pupil directly to the accredited nonpublic school
20 and retain 15 percent as the pupil's district of residence.

21 The credit may include additional moneys received for
22 the pupil for non-English-speaking programs or for tuition
23 reimbursement under the postsecondary enrollment options
24 program.

25 DE shall determine whether the credit amounts are to be paid
26 in a lump sum or in installments to the accredited nonpublic
27 schools.

28 A student attending an accredited nonpublic school shall
29 be counted as attending school in the pupil's district of
30 residence for state school foundation purposes. A parent or
31 guardian may reapply for the credit each year that the credit
32 is available and that the pupil is enrolled in an accredited
33 nonpublic school.

34 The bill provides that if a pupil requires special education
35 pursuant to Code chapter 256B, a school tuition credit may

1 be used only in the event that the pupil is enrolled in an
2 accredited nonpublic school which maintains a special education
3 instructional program that is appropriate to meet the pupil's
4 educational needs.

5 The state board of education is directed to adopt rules
6 relating to the applications for the school tuition credit.
7 Code section 257.6 is amended to reflect that pupils receiving
8 a credit are counted as part of a local public school
9 district's actual enrollment.

10 The bill applies to school budget years beginning on or after
11 July 1, 2011.